

**REMARKS/ARGUMENTS**

Applicant has carefully reviewed the Examiner's communication mailed February 20, 2004.

Applicant has amended Claim 2 to insert the use of the term "previously presented." The reference in the communication to Claim 3 was interpreted by Applicant to be Claim 2 where the objected to phrase occurred.

The Examiner has rejected Claims 1-3, 6-10, 15-17 and 20-22 under 35 U.S.C. 102(b) as anticipated by Palmer et al. (U.S. 3,847,676). Applicant traverses this rejection as applied to the above claims.

Applicant has discovered patentably distinct new and unique resilient non spherical elongated **porous** (emphasis added) organic polymer products having a mean particle less than about 150 microns and an average pore size distribution of from about 0.02 to about 15 microns within the porous particles themselves. Applicant has discovered such new patentably distinct new products which also have unique properties, can be obtained when larger size porous organic polymer particles in an aqueous slurry are subjected to a cutting action. One of Applicant's major discoveries was that a non-spherical elongated porous polymer particle as set forth above could be produced. As set forth at page 4 lines 4-18, the open cell pores are interconnected within the polymer particle itself. The claimed non spherical elongated porous particles are new and unique for resilient porous organic polymers where the porosity is part of the polymer particles themselves.

Thus Applicant has discovered patentably distinct, new and unique porous polymer particles that have (1) a non spherical geometry, (2) an elongated geometry, (3) a

high surface area, (4) an average mean particle size distribution less than 150 microns, (5) an average pore size distribution within the polymer particle itself of from about 0.02 to about 15 microns and (6) enhanced properties for use in applications such as lead acid batteries and the release of additives from the internal pore structure.

As set forth in the Manual of Patent and Examining Procedure, Chapter 2131, "a claim is anticipated only if each and every element, as set forth in the claim is found either expressly or inherently described in a single prior art reference." Further, "the identical invention must be shown in as complete detail as is contained in the ... claim."

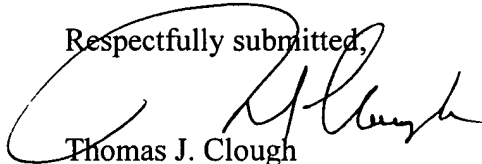
Turning to the Palmer reference, Palmer teach the manufacture of nonwoven mats suitable for use as battery separators, column 1 lines 5-7. Further the battery separator is described as a nonwoven mat of fibers of the polymeric resin with a wetting agent dispersed throughout the resin, column 1 lines 41-44. Palmer goes on to describe that the mat is a nonwoven mat and that in an operation for manufacture of the mat a drying operation is used to remove water and the wetting agent water mixture in the pores of the mat, column 7 lines 59-64. Palmer also at column 9 lines 8-20 describes porosity of a nonwoven fiber mat. Thus Palmer states that the porosity retention which Palmer describes as the void fraction is at least 40%, preferably at least a void fraction porosity of 50-65% under compression of the fiber mat. What Palmer is teaching is a classic nonwoven separator mat where the void fraction or porosity is the open area that exists between the overlapping of the fibers, not the porosity in the fibers themselves. Thus, Palmer does not teach that the fibers which make up the separator are themselves porous, let alone the porous particles as set forth in the present claims. Thus, Palmer does not teach porous particles wherein the pores are present in the particles themselves but

clearly teaches the conventional manufacture of a nonwoven fiber mat wherein the void fraction are those voids brought about by the overlapping of fibers in a random mode. Applicant's porosity is derived from the pores in the porosity of the particle itself, not from the pores created by the entanglement of fibers to make a fiber mat for ultimate use as a separator in a battery. Thus, it is clear that the porosity pores or open spaces referred to by Palmer is a separator with open spaces or voids within the separator itself, not pores provided by the porous substrate particles of Applicant. In view of the above remarks Applicant requests the Examiner to withdraw the rejection of the claims under 35 U.S.C. 102(b) over Palmer.

In conclusion Applicant submits that the present claims are patentable and allowable and respectfully requests the Examiner to forward this application to issuance at an early date.

Should any matters remain unresolved, the Examiner is requested to call (collect) Applicant's attorney at the numbers given below.

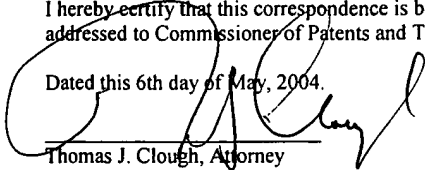
Respectfully submitted,



Thomas J. Clough  
Registration No. 22337  
Attorney for Applicant  
P.O. Box 718  
Pismo Beach, California 93448  
(805) 481-3750  
Facsimile (805) 481-3452

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 29231 on or before May 6, 2004.

Dated this 6th day of May, 2004.



Thomas J. Clough, Attorney